

Message Text

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PAGE 01 BRASIL 02212 130121Z

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ACTION DHA-02

INFO OCT-01 ARA-06 ISO-00 IO-11 AID-05 EB-07 AGR-05 TRSE-00

OMB-01 DPW-01 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 /085 W

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FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 4504

C O N F I D E N T I A L BRASILIA 2212

E.O. 11652: GDS

TAGS: SHUM, PFOR, PINS, PINT, PORO, EAID, EFIN, BR

SUBJECT: HUMAN RIGHTS: 1976 REPORTING REQUIREMENT: BRAZIL

REF: STATE 045319

1. FOLLOWING IS SUMMARY OF AIRGRAM (BRASILIA A-11) POUCHED MARCH 12, 1976: BRAZILIAN CONSTITUTION PROVIDES NORMAL LEGAL GUARANTEES AND HUMAN-RIGHTS PROVISIONS, AND ALSO PROVIDES FOR STATE OF SIEGE. INSTEAD OF USING LATTER, HOWEVER, GOVERNMENT HAS ARMED ITSELF WITH "EXCEPTIONAL MEASURES" (INCLUDING INSTITUTIONAL ACT-5) WHICH IN EFFECT ENABLE EXECUTIVE TO OPERATE OUTSIDE CONSTITUTION. CONSTITUTION DECLARES THESE MEASURES ARE IN FORCE, AND WHILE THERE HAS BEEN DISCUSSION OF INCORPORATING THEM IN CONSTITUTION IN ATTENUATED FORM, GOVERNMENT SHOWS NO SIGN OF RELINQUISHING THEM.

2. PRINCIPAL FOCUS OF INTERNATIONAL CONCERN HAS BEEN ON ARBITRARY ARREST, TORTURE, AND IMPROSONMENT FOR POLITICAL CRIMES OF ASSOCIATION OR OPINION. GEISEL ADMINISTRATION'S EFFORTS TO BRING SECURITY APPARATUS UNDER CONTROL AND END ITS NOTORIOUS ABUSES HAVE SEEN GAINS AND LOSSES FOR BOTH SIDES, BUT AT PRESENT TIME ADMINISTRATION HAS ADVANTAGE. DEATHS AROUND TURN OF YEAR OF TWO PRISONERS IN ARMY CUSTODY IN SAO PAULO LED TO MOVES TO ESTABLISH TIGHTER CONTROLS IN SAO PAULO UNDER NEW COMMANDER, WHILE OTHER COMMANDS HAVE

CONFIDENTIAL

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PAGE 02 BRASIL 02212 130121Z

ADOPTED MORE OPEN AND POSITIVE APPROACH. REPORTS INDICATE

PERSONS NOT NOW BEING TORTURED AND OUTCRY ON ARRESTS AS THEY OCCUR IS BEING MET WITH PROMPT RESPONSE. PRACTICE IS NEW, HOWEVER, FIGHT AGAINST SUBVERSION CONTINUES, AND AS LONG AS ARRESTS GO ON, POTENTIAL FOR ABUSES REMAINS.

3. THUS, GOVERNMENT IS OPPOSED TO MISTREATMENT OF PRISONERS AND HAS TAKEN STEPS TO END ABUSES. INHIBITIONS AGAINST DEATH-SQUAD ACTIVITIES HAVE INCLUDED FORMAL JUDICIAL ACTION, BUT THREAT OF REMOVAL FROM OFFICE APPEARS TO BE ONLY INHIBITION IN REAL TERMS AGAINST MISTREATMENT OF ALLEGED SUBVERSIVES. DETAINEES' RIGHT TO COMPLAIN OF MISTREATMENT AND SUBSEQUENT INVESTIGATIONS HAVE NORMALLY NOT BEEN ALLOWED TO AFFECT TRIAL OUTCOME OR LEAD TO EFFECTIVE CORRECTIVE ACTION.

4. ONLY RECENT AND AVAILABLE REPORT WE KNOW OF IS AMNESTY INTERNATIONAL REPORT FOR 1974/1975, WHICH DEPARTMENT HOLDS. WE FIND REPORT LARGELY RELEVANT AND ACCURATE. UN HUMAN RIGHTS COMMISSION HAS AGAIN DELAYED RELEASE OF ITS PENDING REPORT ON ALLEGED HUMAN-RIGHTS VIOLATIONS IN BRAZIL.

5. AMBASSADOR, EMBASSY OFFICERS, AID REPRESENTATIVES, AND SENIOR OFFICERS OF US MILITARY MISSION HAVE DISCUSSED HUMAN RIGHTS WITH APPROPRIATE BRAZILIAN OFFICIALS, AND EMBASSY AND CONSULATE OFFICERS, AND USIS THROUGH CAREFULLY TARGETED INFORMATION PROGRAM, HAVE ALSO SOUGHT TO CONVEY US CONCERN IN CONTACTS WITH CONGRESSMEN, JOURNALISTS, LAWYERS, POLICE OFFICIALS, AND CHURCHMEN. AMBASSADOR'S SPEECH ON HUMAN RIGHTS IN US CONSTITUTIONAL DEVELOPMENT AND VIGOROUS EMBASSY EFFORTS ON BEHALF OF US CITIZEN FRED MORRIS GAVE IMPORTANT SUPPORT TO THIS END. IN THAT TORTURE IS SEEN AS PRACTICE OF SMALL MINORITY RATHER THAN OF BRAZILIAN MILITARY AS AN INSTITUTION, US SECURITY ASSISTANCE IS NOT SEEN AS FUELING REPRESSIVE PRACTICES.

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